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# **Animal Welfare Enforcement**

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## **1975**

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**REPORT OF THE  
SECRETARY OF AGRICULTURE  
TO THE  
PRESIDENT OF THE SENATE  
AND THE  
SPEAKER OF THE HOUSE OF REPRESENTATIVES**



**United States Department of Agriculture • Issued March 1976**



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# **Animal Welfare Enforcement 1975**

## **REPORT OF THE SECRETARY OF AGRICULTURE TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES**

### **INTRODUCTION**

Enforcement of the Animal Welfare Act by the U.S. Department of Agriculture (USDA) is based on the approach that animal dealers, exhibitors, operators of auction sales, research facilities, and other regulated parties perform useful and necessary functions in society. Thus, USDA's Animal and Plant Health Inspection Service (APHIS) spends a lot of effort to aid these industries to do a better job of caring for animals.

The work of enforcement is carried out by line and staff officers of APHIS, Veterinary Services, responsible for the eradication and control of animal diseases. Animal welfare constitutes an additional responsibility which received about 6 percent of Veterinary Services time during 1975.

### **Field Force**

Enforcement in the field is handled by about 370 APHIS veterinarians and about 700 animal health technicians. Time and manpower spent on animal care differs among the 18 area and 33 district offices throughout the U.S. (see Appendix, address list). The differences are caused by variations in the number of regulated parties in the area and local program priorities.

### **Staff Functions**

Veterinary Services has an Animal Care Staff, located in Hyattsville, Md., near Washington, D.C., consisting of six members who evaluate programs and procedures, conduct training courses, and administer the Act nationwide (see Appendix, address list). They also evaluate cases of alleged violations of laws, regulations, and standards and recommend appropriate legal action.

### **Training Courses**

Line and staff officers cooperate in conducting animal care training courses for the field force. In 1975, the emphasis of the course work was on uniform interpretation of the Act, regulations, standards, and inspection guidelines. APHIS wants to emphasize uniform interpretation to promote effective and fair enforcement nationwide.

The 1975 training-course work consisted of five 30-hour sessions involving 300 employees from 22 States. One day of each course involved practice inspections at the site of an exhibitor and a research facility in the area. APHIS is fortunate in securing the active cooperation from the exhibitors and research facilities involved to make the practice inspections realistic and informative.

## PROTECTED ANIMALS

Currently, the Animal Welfare Act and its regulations cover hamsters, guinea pigs, rabbits, dogs, cats, and monkeys and other nonhuman primates plus most other warmblooded species. The law and regulations currently exempt certain farm animals, marine mammals, birds, rats, mice, and all coldblooded animals such as reptiles and fish. However, the Secretary is consulting with other Federal agencies to draft regulations and standards for the care and treatment of marine mammals under discretionary authority conferred by the Act.

## LICENSEES AND REGISTRANTS

Lists of licensees and registrants under the Act are prepared periodically and published in the Federal Register. On December 31, 1975, these lists contained the names and addresses of 5,680 active licensed dealers, 535 licensed exhibitors, 657 registered exhibitors, and 985 registered research facilities (see Appendix, table 1 and Separates).

The sharp increase in the number of licensees and registrants has overloaded the clerical staff, leading APHIS to computerize its records. Key information on licensed dealers was stored in the computer during 1975. Now the computer can answer questions such as "How many of the 1,600 animal dealers licensed in Kansas should renew their license in March?" Getting this information manually would have involved many hours of reviewing APHIS records. The computer does the job mechanically in seconds.

### License Fees

As provided by law, licensed dealers and exhibitors must pay an annual fee. The amount of the fee is determined by graduated schedules with separate rates for dealers and exhibitors, which are published in the regulations. Dealer fees range from \$5 to \$500; exhibitor fees range from \$5 to \$100. Altogether, fees collected during 1975 amounted to \$127,996. The increase in receipts from newly licensed dealers was offset by a reduction in fees provided by regulations that took effect in September 1974.

Fees collected under the Act must be deposited in the U.S. Treasury as "miscellaneous receipts." No portion of income from fees is available for enforcement programs.

Registration of research facilities and certain exhibitors involves no fees.

## Research Facilities

Research facilities using animals regulated under the Act are registered and pay no fees. They must comply with regulations and standards under the Act and undergo inspections. Types of institutions presently registered are State-owned and privately owned laboratories, clinics, hospitals, colleges, universities, drug firms, and large-scale diagnostic laboratories.

At the end of 1975, 935 research facilities were registered involving inspections at 1,932 research sites (see Appendix, table 1). Registered research facilities are required to submit annual reports on their use of laboratory animals. About 1,378,000 such animals were used during 1975 (see Appendix, table 6).

Exempt from registration as research facilities are schools below the college level, institutions not using live animals in research, and Federal agencies. However, Federal agencies using laboratory animals must comply with APHIS standards for animal care and treatment.

## Canceled Licenses and Inactive Registrations

Dealer and exhibitor licenses remain valid until terminated voluntarily by the licensee or revoked or suspended by USDA. From 1967 through 1975, there were altogether 2,340 dealer licenses and 63 exhibitor licenses canceled (see Appendix, table 2).

Registration is permanent after issuance, both for exhibitors that qualify and for research institutions. Those who cease regulated activities are placed on an inactive list, but they can be reactivated on request. Since 1967, there were 186 registrations inactivated for research facilities and 202 for exhibitors (see Appendix, table 2).

The relatively large number of canceled licenses and inactive registrations indicates that many formerly regulated parties voluntarily stopped handling regulated animals. In most cases, the former licensees and registrants would not maintain Federal standards of animal care and treatment. If they had not stopped regulated activities voluntarily, APHIS would have instituted court action or administrative proceedings.

## INSPECTIONS

APHIS inspectors call at the business locations of persons subject to the Act and check each site where they keep regulated animals. Inspections cover regulations on licensing and registration, annual reports and fees, animal identification, recordkeeping, inspection for missing animals, confiscation and destruction of animals, and--most importantly--compliance with standards for animal care and treatment.

The Act provides for standards on handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, and adequate veterinary care--including the appropriate use of anesthetic, analgesic, or tranquilizing drugs when such use would be proper in the opinion of the attending veterinarian of the research facility.

During 1975, APHIS made special efforts to enforce the "veterinary care" standard. This requirement includes having a doctor of veterinary medicine to plan and supervise control of animal diseases and parasites.

Additional standards provide for separation of animals by species--when necessary for the humane handling, care, or treatment of animals--and for humane transportation. Transportation requirements cover vehicles and shipping cages plus food, water, and care in transit.

### **Investigation of Complaints**

Many letters and telephone inquiries from the public on animal welfare consist of complaints against animal dealers.

The number of complaints investigated totaled 729 in 1975. The number of complaints received was higher than in previous years because the public responded to wide newspaper coverage of animal care and treatment. Therefore, a separate entry is made in this Annual Report (see Appendix, table 3). In previous annual reports to Congress, investigation of complaints was tabulated with "routine inspections."

### **Prelicensing Inspections**

Persons covered by the Animal Welfare Act have the responsibility to apply for a license or registration; failure to do so is a violation of the Act and its regulations. In most cases, a potential licensee or registrant gets a reminder to apply for a license or registration before legal action is initiated.

Dealers and exhibitors are licensed or registered promptly if their facilities, housing, equipment, and records pass an inspection for compliance with USDA regulations and standards. During 1975, APHIS conducted 1,912 prelicensing and preregistration inspections (see Appendix, table 3).

During 1975, APHIS used administrative proceedings to deny the license application of a dealer who had violated the Animal Welfare Act within 2 years of making his application. Under current regulations, the dealer could reapply after 1 year.

### **Improvements at Zoos Through Prelicensing Inspections**

Prelicensing inspections and the attendant changes made by prospective licensees were particularly effective at zoos. A recent review, which went back to the first inspections made in 1972, showed about 160 instances in



peak hours. Spot inspections also are done at non-peak hours, there, and at other airports handling fewer animal shipments.

Deficiencies noted at airports were reported in two categories: 263 violations attributed to licensed dealers and 30 deficiencies attributed to freight handlers and airline personnel (see Appendix, table 4).

APHIS took steps to assure that violations by dealers were promptly corrected and took legal action when necessary.

USDA does not have jurisdiction over common carriers, including animal forwarders and airport authorities, but still deficiencies attributable to them were recorded. Most of their deficiencies seem due to a heavy workload, plane delays, and emergencies rather than deliberate mistreatment. APHIS has urged the airline industry to identify and predict these stress times and to train its personnel to cope with the attendant problems with animals. Airlines generally have responded favorably to these suggestions, and the number of deficiencies dropped significantly during 1975.

## **PROSECUTING APPARENT VIOLATIONS**

Apparent violations of the regulations and standards under the Act do not always result in legal action. Inspectors first attempt to guide licensees and registrants toward voluntary compliance. In fact, for every hour spent in investigating and documenting apparent violations, 24 hours were spent on recurring compliance inspections, which serve to keep licensees and registrants from violating the standards.

APHIS seeks legal action only when licensees and registrants commit serious or repeated violations. The field force makes investigations that are used to prepare court cases or administrative proceedings. Altogether, 301 such investigations were completed during 1975 (see Appendix, table 5).

### **Notice of Apparent Violations**

Some reports of alleged violations are closed by issuing warning notices on alleged deficiencies. These warning notices advise the offending party that USDA will not prosecute this specific violation and offer assistance in avoiding further violations. The record of such warning strengthens a future legal case. In 1975, 90 warning notices were issued (see Appendix, table 5).

### **Legal Action**

As a result of administrative proceedings in 1975 for violation of the Act, its regulations, and its standards, 10 cases were closed by imposing cease-and-desist orders, license suspensions, and/or revocations; 39 cases were closed for insufficient evidence, which included one case that was dismissed after charges had been issued (see Appendix, table 5). Failure to obey a cease-and-desist order is prosecuted as a civil

Other than press releases, new or revised publications distributed during 1975 consisted of the following titles:

- Improvements at Zoos
- Licensing and Registration Under the Animal Welfare Act (PA 1117)
- Regulating Animal Care in the Pet Industry (Rev.)
- The Problem of Unwanted Dogs and Cats

The feature story on "The Problem of Unwanted Dogs and Cats" was particularly effective. It was reprinted in 70 newspapers, magazines, and newsletters.

The Animal Care Staff gave four commercial television interviews one radio interview, and many illustrated lectures. Illustrated narrations for two basic lectures can be obtained from the staff, and the color slides for the lectures are available for a fee from USDA's Office of Communication.

### **Public Correspondence**

During 1975, APHIS received thousands of letters on animal care and treatment, including about 273 addressed to members of Congress. Most of these letters expressed an opinion on public policy, such as:

- Opposing the use of animals in research (14 letters);
- Proposing exercise for dogs caged in laboratories (221 letters);
- Opposing the overpopulation of dogs and cats (142 letters);
- Opposing inhumane killing of surplus animals (20 letters);
- Opposing a proposed "Handicapped Entrepreneur Lending Program" (119 letters);
- Opposing instances of cruelty to animals (224 letters);
- Opposing inhumane practices at "puppy mills" (155 letters).

In addition, APHIS replied to many letters requesting information on topics like: Operation of animal kennels and humane shelters; care and feeding of pets; details of animal nutrition; and requirements for becoming licensed or registered under the Animal Welfare Act. Furthermore, many educational, civic, and humane associations requested illustrations, literature, and information for educational programs.

Correspondence on animal welfare is so extensive because the persons that write are varied, numerous, and frequently highly motivated. The composition of groups that write is as follows:

Furthermore, the Interagency Committee on Live Animal Transportation, formed at the recommendation of the House Committee on Government Operations--which has representation from the Civil Aeronautics Board, the Federal Aviation Administration, and APHIS--held an organizational meeting on October 20, 1974. Rather than duplicate the efforts and information being assimilated by the CAB's administrative hearing, the Committee decided to wait until information from the hearing could be assembled and summarized before determining a proper course of action. A meeting of the Committee will be held after CAB concludes its proceedings. Then improvement in the humane care and treatment of animals during transportation will be actively pursued.

## HUMANE CARE IN LABORATORIES

As expressed by Congress, the Animal Welfare Act is not meant to interfere with research in any way. Its purpose is to assure that research and experimentation are conducted with proper care and treatment for laboratory animals and with compassion for any unavoidable pain and distress caused by experimentation. Thus, the Act includes provisions for requiring the use of appropriate anesthetics, analgesics, and tranquilizers.

An institution's attending veterinarian, who is a member of its animal care committee, must review the protocol for every experiment and certify that no unnecessary pain or distress is involved, that pain or distress can be relieved by the use of drugs, or that the use of pain-relieving drugs will interfere with the objectives of the experiment.

The institution must submit to USDA an annual report, summarizing the use of animals in biomedical research, tests, or experimentation. The report must identify all animal experiments involving pain and justify all instances in which pain or distress could not be relieved. An administrative official legally responsible for the entire research institution must sign and attest to the accuracy of the report. Each statement in the report to justify unrelieved pain or distress is reviewed by the Animal Care Staff.

Appendix tables 6, 7, and 8 summarize the reports received from registered research facilities for 1975. They indicate that almost all instances of unrelieved pain occurred during research, development, or quality control of health products. Tests with animals were required in some instances to obtain data to keep such products safe, pure, and effective. Other occasions for unrelieved pain were safety tests that provide data to protect users of chemical products, or experiments involving electroanesthesia or mild electric shock.

Research facilities reported no instances of unrelieved pain without a documented reason. However, APHIS officials believe that attending veterinarians at some research institutions do not have sufficient resources or authority to adequately monitor all of the research all of the time. Nor does the Department have sufficient money or personnel to monitor all use of pain-relieving drugs by research facilities. Still, APHIS believes that the

number of undocumented cases where animals experience pain during research, testing, or experimentation is small.

As this report stated earlier, research facilities are subject to on-site inspections by APHIS in addition to surveillance via the institutions' annual reports. Inspections cover animals held for research and those undergoing studies and recovering from research to assure that all Federal standards of animal care are observed.

In 1975, APHIS inspectors concentrated specifically on veterinary care for laboratory animals. They looked for positive evidence that attending veterinarians at registered research institutions had the authority and responsibility to properly minister to the health and welfare of animals. Where this authority and responsibility were incomplete, the full authority of the Act was used to secure the needed change.

Besides direction and supervision from an attending veterinarian, APHIS requires daily inspection of animals by their caretakers. Sick animals must receive prompt and professional care. Thus, even in cases where pain-relieving drugs can not be provided, animals still must receive all possible humane care and treatment. APHIS inspectors report that at practically all inspection sites, professional care was sound and high standards of humane treatment of laboratory animals were observed. Discrepancies noted in a few cases were corrected.

## REGULATORY AND LEGISLATIVE CHANGES

No proposed or final rulemaking under the Animal Welfare Act was published in the Federal Register during 1975. APHIS is considering substantial changes in the regulations which would permit certain acceptable practices requested by the industry.

Other rule changes being considered are regulations and standards for the care and treatment of marine mammals and licensing of marine mammal exhibitors. APHIS officials are cooperating with the U.S. Department of the Interior's Fish and Wildlife Service to develop a single set of standards under the authority of the Marine Mammal Protection Act and the Animal Welfare Act--both of which authorize standards for the humane care and handling of captured marine mammals used for exhibit purposes.

Although several petitioners have urged Congress to require health certificates for animals shipped in commerce, USDA officials believe they already have this authority under existing legislation. Airport inspections confirmed that an appreciable number of sick and weak animals are being shipped. Therefore, APHIS is considering proposed requirements for a health certificate from an accredited veterinarian before certain regulated parties can ship dogs and cats in commerce.

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Table 1.--Number of active licensees and registrants (1975)--(con.)

State	Licensed dealers	Animal exhibitors		Registered research facilities
		Licensed	Registered	
Oklahoma	128	8	2	7
Oregon	84	9	1	8
Pennsylvania	141	62	13	62
Rhode Island	6	1	4	10
South Carolina	18	2	10	3
South Dakota	41	6	-	2
Tennessee	11	5	9	10
Texas	119	23	33	22
Utah	11	2	-	7
Vermont	56	2	3	7
Virginia	51	3	13	14
Washington	22	7	6	17
West Virginia	20	1	3	1
Wisconsin	85	4	124	24
Wyoming	8	-	4	3
Puerto Rico	19	4	12	1
Virgin Islands	-	-	-	-
Dist. of Columbia	-	-	-	6

Table 2.--Number of canceled licenses and inactive registrations  
(1967-1975)--(con.)

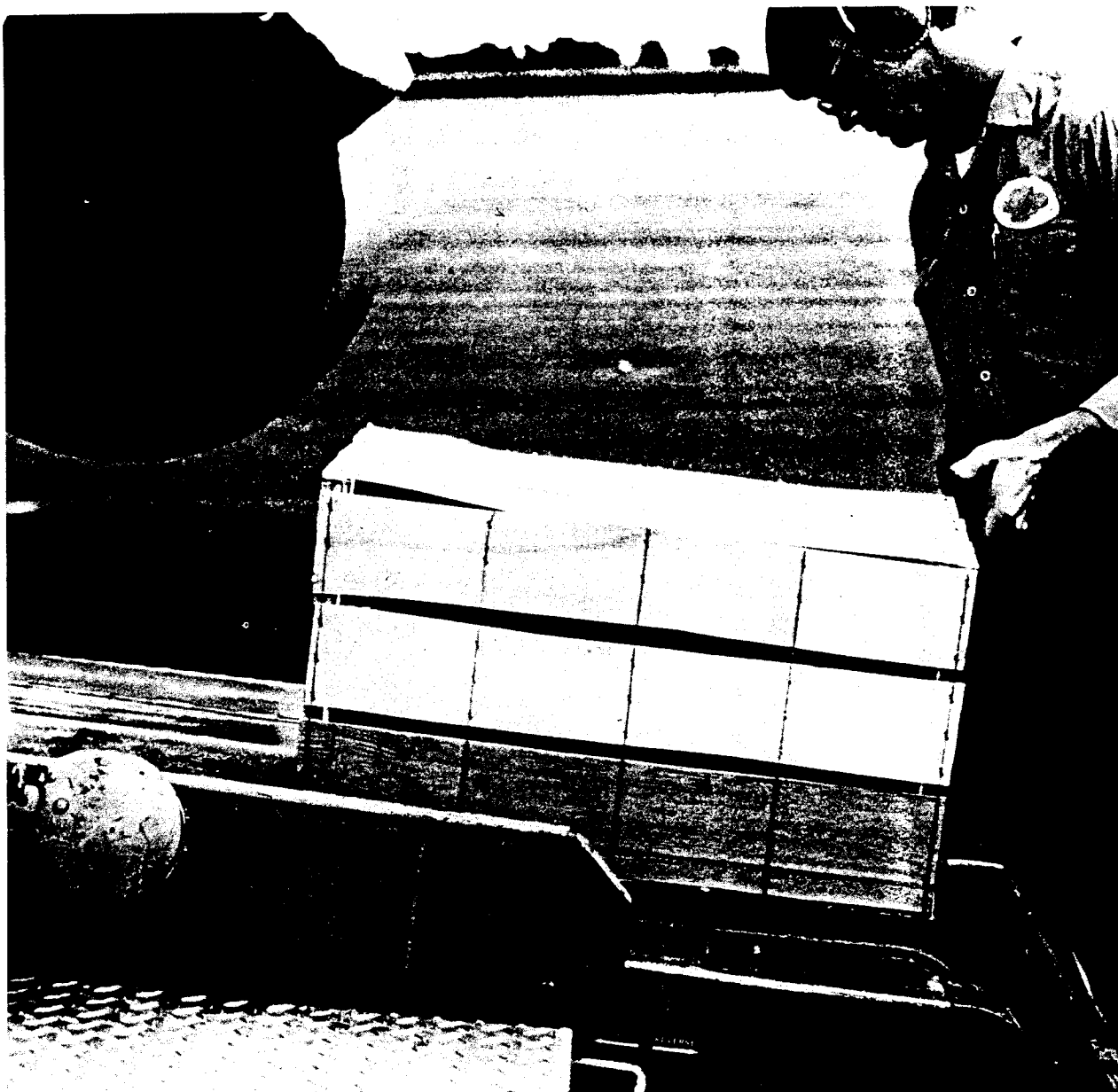
State	Licensed dealers	Animal exhibitors		Registered research facilities
		Licensed	Registered	
Oklahoma	52	1	4	1
Oregon	34	-	-	2
Pennsylvania	67	4	48	11
Rhode Island	6	1	-	1
South Carolina	6	-	9	-
South Dakota	16	-	-	-
Tennessee	7	-	1	-
Texas	53	7	2	1
Utah	10	-	-	1
Vermont	21	-	3	-
Virginia	52	-	-	2
Washington	7	1	-	5
West Virginia	20	-	-	-
Wisconsin	58	3	2	2
Wyoming	7	-	-	1
Puerto Rico	7	-	3	2
Virgin Islands	-	-	-	-
Dist. of Columbia	4	-	-	2



Table 3.--Number of inspections (1975)--(con.)<sup>1</sup>

State	Complaints	Prelicensing	Compliance	Searches
Oklahoma	-	38	209	14
Oregon	7	32	275	8
Pennsylvania	47	87	727	192
Rhode Island	1	1	82	45
South Carolina	2	8	106	2
South Dakota	-	10	69	17
Tennessee	6	1	48	5
Texas	18	122	425	173
Utah	2	13	114	28
Vermont	-	-	150	18
Virginia	17	9	165	66
Washington	5	10	100	6
West Virginia	2	4	83	123
Wisconsin	99	22	355	151
Wyoming	-	8	42	-
Puerto Rico	15	4	77	5
Virgin Islands	-	-	-	-

<sup>1</sup> Excludes "airport inspections," which are not reported by State. A typical airport inspection covers dealer shipments from a great variety of States.



BN-44399

APHIS continues to inspect 15 key airports for animal traffic. Unreinforced vegetable crates are not acceptable and dealers who continue to use them are subject to prosecution for violating the Animal Welfare Act.

Table 5.--Number of alleged violations, (1975)--(con.)

State	Investigated	Cases Closed			Pending
		Penalty imposed	Insufficient evidence	Notices issued	
Oklahoma	2	1	-	-	1
Oregon	3	1	-	1	1
Pennsylvania	1	-	-	-	1
Rhode Island	3	-	-	1	2
South Carolina	-	-	-	-	-
South Dakota	-	-	-	-	-
Tennessee	-	-	-	-	-
Texas	4	-	2	-	2
Utah	-	-	-	-	-
Vermont	6	-	1	3	2
Virginia	8	-	-	2	6
Washington	6	1	2	1	2
West Virginia	-	-	-	-	-
Wisconsin	2	-	2	-	-
Wyoming	-	-	-	-	-
Puerto Rico	-	-	-	-	-
Virgin Islands	-	-	-	-	-

Includes 79 violations pending from previous years.

Table 6.--Animals used in experimentation (1975)--(con.)

State	Number of registrants	Number of all animals	Number of animals by species			
			Dogs	Cats	Primates	Other
Oklahoma	7	2,790	917	311	94	1,468
Oregon	8	9,661	795	1,074	2,562	5,230
Pennsylvania	62	117,485	14,040	7,056	1,841	94,548
Rhode Island	10	2,015	126	62	95	1,732
South Carolina	3	5,049	1,202	251	29	3,567
South Dakota	2	691	125	23	-	543
Tennessee	10	16,897	3,150	246	765	12,736
Texas	22	101,812	18,687	4,365	3,168	75,592
Utah	7	4,891	1,321	853	38	2,679
Vermont	7	1,492	254	82	-	1,156
Virginia	14	21,268	3,127	985	3,258	13,898
Washington	17	25,152	3,147	1,363	2,100	18,542
West Virginia	1	2,121	199	63	50	1,809
Wisconsin	24	15,415	2,740	481	332	11,862
Wyoming	3	464	1	6	-	457
Puerto Rico	1	976	669	2	8	297
Virgin Islands	-	-	-	-	-	-
Dist. of Columbia	6	3,387	1,115	689	69	1,514

Table 7.--"Other" animals used in experimentation (1975)--(con.)  
 (A tabulation of animals listed as "other" in Table 6)

State	Rabbits	Hamsters	Guinea Pigs	Wild Animals
Oklahoma	749	31	629	59
Oregon	1,715	395	1,339	1,781
Pennsylvania	26,896	32,625	34,746	281
Rhode Island	275	952	104	401
South Carolina	579	2,148	618	222
South Dakota	213	-	314	16
Tennessee	6,005	5,607	1,122	2
Texas	28,340	33,519	12,868	865
Utah	2,136	14	359	170
Vermont	802	112	182	60
Virginia	6,993	1,382	4,988	535
Washington	5,678	2,416	10,366	82
West Virginia	473	155	1,159	22
Wisconsin	2,052	8,760	1,038	12
Wyoming	93	119	44	201
Puerto Rico	124	138	35	-
Virgin Islands	-	-	-	-
Dist. of Columbia	814	342	358	-

Table 8.--Animals experiencing pain or distress without the use of pain-relieving drugs (1975)--(con.)

State	Number of registrants	Number of animals	Number of animals						Guinea pigs	Wild animals
			Dogs	Cats	Primates	Rabbits	Hamsters			
Montana	-	-	-	-	-	-	-	-	-	-
Nebraska	1	44	2	-	-	-	-	-	42	-
Nevada	-	-	-	-	-	-	-	-	-	-
New Hampshire	-	-	-	-	-	-	-	-	-	-
New Jersey	14	22,097	582	32	85	4,283	316	16,795	4	4
New Mexico	1	16	-	-	-	16	-	-	-	-
New York	21	13,331	275	4	196	3,228	4	9,422	202	202
North Carolina	1	96	-	-	19	-	22	-	55	55
North Dakota	-	-	-	-	-	-	-	-	-	-
Ohio	8	2,613	258	-	31	2,201	14	109	-	-
Oklahoma	-	-	-	-	-	-	-	-	-	-
Oregon	-	-	-	-	-	-	-	-	-	-
Pennsylvania	7	8,636	144	7	73	2,849	88	5,472	3	3
Rhode Island	-	-	-	-	-	-	-	-	-	-
South Carolina	-	-	-	-	-	-	-	-	-	-
South Dakota	1	86	-	-	-	10	-	70	6	6
Tennessee	2	157	-	-	-	135	-	22	-	-
Texas	1	2,198	5	339	-	3	1,751	100	-	-
Utah	-	-	-	-	-	-	-	-	-	-
Vermont	-	-	-	-	-	-	-	-	-	-
Virginia	-	-	-	-	-	-	-	-	-	-
Washington	4	266	234	-	7	25	-	-	-	-
West Virginia	-	-	-	-	-	-	-	-	-	-
Wisconsin	-	-	-	-	-	-	-	-	-	-
Wyoming	-	-	-	-	-	-	-	-	-	-
Puerto Rico	1	8	-	-	-	8	-	-	-	-
Virgin Islands	-	-	-	-	-	-	-	-	-	-